

FILED-CLERK
U.S. DISTRICT COURT
2010 APR -2 AM 8:13
TEXAS-EASTERN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

Judge: Richard Schell

CAUSE STYLE:

CAUSE NO:

4:10cv119

ERLYNDON J. LO
V.
ROBERTS. ET AL

MOTION FOR AN IMMEDIATE TEMPORARY RESTRAINING ORDER
("TRO"), SEEKING A PRELIMINARY INJUNCTION AND PERMANENT
INJUNCTION

May it please the court. These seven pages, with this page as page one of seven, constitute the entire motion and request for a TRO.

EMERGENCY!!! URGENT!!! DIRE EMERGENCY!!! HELP ME!!! PLEASE!!!

TEMPORARY RESTRAINING ORDER ("TRO") DEMAND

This is a DEMAND for AN IMMEDIATE TEMPORARY RESTRAINING ORDER, seeking a preliminary injunction and a permanent injunction. This is an ABSOLUTE EMERGENCY!!!

My life is at stake. I could be MURDERED AND KILLED as early as Friday, April 2, 2010 at 12:00 p.m. NOON in Dallas, Texas ("TX") if you do not IMMEDIATELY GRANT MY REQUEST for in the very least a TEMPORARY RESTRAINING ORDER!!!

I plan on saving at least one human life in Dallas, TX at 12:00 p.m. at the Southwestern late-term abortion facility, 8616 Greenville Ave. at Royal Ln. (NE corner), Dallas 75243.

As I have already filed, it is my CONSTITUTIONAL RIGHT to freely exercise my religious beliefs. My religious beliefs include the beliefs that an individual is alive at the moment of conception, abortion is murder and is the worst murder of all murders possible because these babies are completely defenseless, and I am entitled under my religious beliefs to use deadly force if necessary to save the innocent life of another. The Dallas Police, the Plano Police, the Collin County Police, the Garland Police, the Rowlett Police, the United States Army, the United States Military, the United States Marines, the United States Navy, the United States Air Force, and all other officers of the United States threaten my life by threatening to kill me, severely injure me, seriously injure me, injure me, or stop me from exercising my religious beliefs. I am a born United States citizen. I was born in Dallas, TX. So if I am killed, you are liable for my death.

Federal law recognizes that an unborn child is entitled to protection, even from the very moment of conception. See TITLE 18, PART I, CHAPTER 90A, § 1841 Protection of unborn children:

(a)

(1) Whoever engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

(2)

(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct had that injury or death occurred to the unborn child's mother.

(B) An offense under this section does not require proof that---

- (i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or
 - (ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.
- (C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall instead of being punished under subparagraph (A), be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.
- (D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.
- (b) The provisions referred to in subsection (a) are the following:
- (1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844 (d), (f), (h)(1), and (i), 924 (j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153 (a), 1201 (a), 1203, 1365 (a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241 (a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.
- (2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848 (e)).
- (3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).
- (d) As used in this section, the term “unborn child” means a child in utero, and the term “child in utero” or “child, who is in utero” means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

Texas law recognizes that I may stop the murder of a baby in her or his mother’s womb as long as the third trimester has begun. *See* Civ. Stat. §§4512.5, H&S 245.001 et seq.

(5) (recognizing it is illegal for a person to procure an abortion in the third trimester unless necessary to prevent death or substantial risk of serious impairment to woman's physical or mental health, or if fetus has severe and irreversible abnormality).

Go to www.google.com, type in “abortion”, click on “Videos”, and click on the first video that pops up, which is approximately 6 minutes long, specifically 6 minutes and 21 seconds. Then you will see why abortion is murder in the highest form possible. Technology in all ways including electronically, medically, photographically, video-wise, internet-wise has drastically improved, which is why it is so much easier to clearly and plainly and obviously SEE WHY abortion is WRONG and IS MURDER IN THE HIGHEST FORM. ABORTION IS THE WORST MURDER POSSIBLE KNOWN TO MANKIND AND/OR HUMANITY.

Moreover, by watching this video, you will see what might happen to me. I could get hurt or even MURDERED by civil authorities. I could be killed, and I could be injured.

Moreover, I could be thrown into jail losing my substantial legal rights to bring an action pro se against the 9 justices of the United States Supreme Court. No one will prosecute my claim as much as I will.

I could be deemed a criminal before even finishing this civil action to determine whether I have the right to save an innocent human being using up to deadly force, including physical force.

The Federal Rules of Civil Procedure allow the court to grant me a TRO if my life is in jeopardy.

Here following are the applicable and relevant provisions which I certainly and definitely beyond any doubt meet. This is the most urgent case of all: my life could be taken away from me, moreover, without due process of law.

I. FEDERAL RULES OF CIVIL PROCEDURE

A. The Most Current Law Copied And Pasted Word For Word, With My Facts Applied Immediately In Brackets For The Convenience Of The Most Honored Court:

Rule 65. Injunctions and Restraining Orders

(b) Temporary Restraining Order.

(1) Issuing Without Notice.

The court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if:

(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and [Specific facts: ON FRIDAY, APRIL 2, 2010, TOMORROW, I WILL BE AT THE SOUTHWESTERN LATE-TERM ABORTION FACILITY LOCATED AT 8616 Greenville Ave. at Royal Ln. (NE corner), Dallas 75243, I will try to stop an abortion using oral words, and if words are not enough. I will use physical force if necessary, and if anyone tries to physically stop me, I will overcome that force, and if I must use deadly force to defend the innocent life of another human being, I will. The Dallas Police, as well as any of the above mentioned authorities, will try to stop me from saving at least one human life. They have guns and weapons which could kill me. Specific facts are already written in the complaint I mailed to the court. I will have an affidavit to clearly show that immediate and irreparable injury, loss, or damage will result to me the movant before the adverse party the 9 members of the U.S. Supreme Court can be heard in opposition. My death which is injury to my body, loss of my life, and damage to my body, by being shot or beaten to death is irreparable because once I am dead, I will never be able to come back to live. I will be dead forever. Also, even if I am not injured, I will be at least arrested and put into jail, and I will have loss of legal rights such as prosecuting this civil action which is irreparable.]

(B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required. [I am acting pro se, and so I am my own attorney. I am certifying in this very writing any efforts made to give notice and the reasons why it should not be required. Today, I called the Supreme Court of the U.S. ("SC") giving them notice and actual notice of the exact location of the district court in Plano, TX, and

my intent and will to immediately file this TRO. Moreover, notice is not even required, and I gave the SC notice anyway.]

(2) Contents; Expiration.

Every temporary restraining order issued without notice must state the date and hour it was issued; describe the injury and state why it is irreparable; state why the order was issued without notice; and be promptly filed in the clerk's office and entered in the record. The order expires at the time after entry — not to exceed 14 days — that the court sets, unless before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension. The reasons for an extension must be entered in the record.

(3) Expediting the Preliminary-Injunction Hearing.

If the order is issued without notice, the motion for a preliminary injunction must be set for hearing at the earliest possible time, taking precedence over all other matters except hearings on older matters of the same character. At the hearing, the party who obtained the order must proceed with the motion; if the party does not, the court must dissolve the order.

(4) Motion to Dissolve.

On 2 days' notice to the party who obtained the order without notice — or on shorter notice set by the court — the adverse party may appear and move to dissolve or modify the order. The court must then hear and decide the motion as promptly as justice requires.

(c) Security.

The court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained. The United States, its officers, and its agencies are not required to give security.

(d) Contents and Scope of Every Injunction and Restraining Order.

(1) Contents.

Every order granting an injunction and every restraining order must:

(A) state the reasons why it issued [so that I will not die, be injured, be restrained, be battered, be assaulted, be imprisoned];

(B) state its terms specifically [Make abortion illegal in every single case, at least for 14 days.]; and

(C) describe in reasonable detail — and not by referring to the complaint or other document — the act or acts restrained or required. [Don't harm Erlyndon Joseph Lo also

known as Joey Lo in any way at all, don't allow abortions to happen at all anywhere in the United States, and protect all heroes, rescuers, and life-savers, specifically those who seek to save babies in their mother's womb.]

(2) Persons Bound.

The order binds only the following who receive actual notice of it by personal service or otherwise [anyone who receives actual notice by watching CNN, Fox News, or any other television news station, learning of the illegality of abortion on the internet, or in any other way such as listening to the radio]:

(A) the parties [9 members of the U.S. Supreme Court];

(B) the parties' officers, agents, servants, employees, and attorneys [the police of each city of Texas, the U.S. army, U.S. military, U.S. marines, and all other officers of the U.S.]; and

(C) other persons who are in active concert or participation with anyone described in Rule 65(d)(2)(A) or (B).

II. TRO REQUEST

I IMMEDIATELY REQUEST THAT THIS COURT DECLARE IN THE UNITED STATES OF AMERICA ABORTION TO BE ILLEGAL IN EVERY SINGLE CASE, TO STOP ANY AMERICAN INCLUDING UNITED STATES AUTHORITIES OR TEXAS AUTHORITIES FROM STOPPING ME FROM SAVING THE LIFE OF AN UNBORN CHILD, TO STOP ANY DOCTOR FROM PERFORMING AN ABORTION, AND TO STOP ANY MOTHER FROM GETTING AN ABORTION.

It is better to be safe than sorry, meaning that it is better that you be conservative than liberal when dealing with or considering the issue of life and death. If the United States is wrong about abortion, namely that abortion/murder is a "fundamental right", then the United States is liable for the deaths of 45 million individuals, including the approximately 3,000 murders that occur daily in the United States from abortions. If the United States is right about abortion, that it is okay and is a fundamental right, at most, there will be approximately 42,000 new United States citizens as a result of keeping abortion illegal for 14 days.

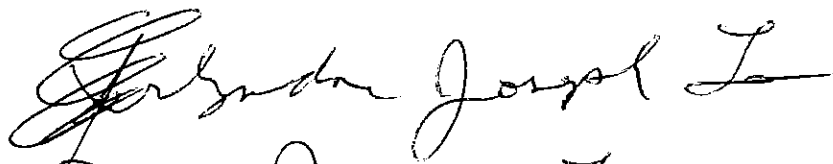
So if you have to choose between whether 42,000 murders (what the US calls abortions) will occur or 42,000 new lives will be brought to this planet earth, and ONLY YOU have the power to determine whether 42,000 people will live or die, it would be better to choose 42,000 new lives. Life is better than death. If there were no life, we wouldn't be here today, and there would be nothing.

It would be of the same effect to kill those 42,000 people when they are 14 days old outside of their mothers' wombs in case you decide that I am wrong.

This TRO is ABSOLUTELY NECESSARY because no adequate remedy at law currently exists.

4:00 PM
in Plano, TX
on April 1, 2010
(Thursday)

Signature of
Erlyndon Joseph Lo
also known as
Joey Lo


Joey Lo

Affidavit of Erlyndon Joseph Lo, also known as Joey Lo

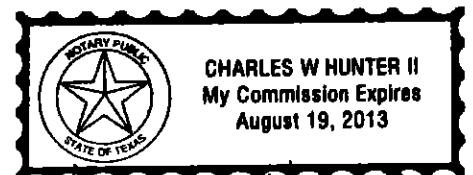
1. My name is Erlyndon Joseph Lo. I am also known as Joey Lo.
2. I reside at 3504 Nancy Court, Plano, Texas ("TX") 75023.
3. I will be at the Southwestern late-term abortion facility, 8616 Greenville Ave. at Royal Ln. (NE corner), Dallas 75243 at 12:00 p.m.
4. I will stop at least one abortion from happening, using words, and if necessary, physical force, and if necessary, deadly force.
5. Immediate and irreparable injury, loss, or damage will result to me before the nine members of the United States Supreme Court can be heard in opposition, because the Dallas Police and any other authority with power granted by the United States will attempt to stop me, using up to deadly force, causing my death, injury, or imprisonment and permanent loss of legal rights.

I certify that the above statements are true and accurate to the best of my knowledge and belief.

3:57 PM in Plano, Texas ("TX"), Thursday, April 1, 2010.

Signature of Erlyndon Joseph Lo, also known as Joey Lo

4:28 PM in Plano, TX
4-1-2010
Erlyndon Joseph Lo
Joey Lo



Charles W. Hunter II

Certification

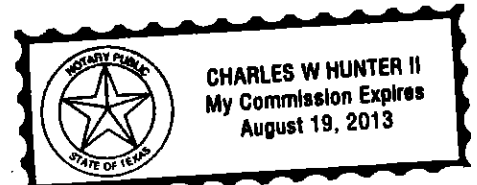
I, Erlyndon Joseph Lo, also known as Joey Lo, attorney for Erlyndon Joseph Lo, also known as Joey Lo, certify in writing, in this writing, that I made several efforts to give notice to the nine members of the Supreme Court of the United States. I called them three times today. I spoke with Katy and also Crystal, and they would not allow me to speak with even one justice of the U.S. Supreme Court. I told Crystal (whose name I don't know exactly how to spell) the exact address of the District Court (Eastern District) in Plano, Texas ("TX"). I called again and left them a message so that they would realize how disgusting abortion is.

I gave the U.S. Supreme Court notice, and notice was not even required because this is an emergency.

4:29 PM in Plano, TX

4-1-2010

Erlyndon Joseph Lo
Joey Lo



Charles W. Hunter II

Erlynda Joseph Lo
2504 Nancy Court
Clare, TX 75023